

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ASHLEY RHEA	§	
VS.	§	CIVIL ACTION NO. 1:24-CV-292
WARDEN, FPC BRYAN	§	

MEMORANDUM OPINION AND ORDER

Petitioner Ashley Rhea, a prisoner confined at Federal Prison Camp in Bryan, Texas, proceeding *pro se*, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Analysis

To entertain a habeas petition brought under 28 U.S.C. § 2241, the district court must have jurisdiction over the prisoner. *United States v. Gabor*, 905 F.2d 76, 77-78 (5th Cir. 1990). Accordingly, a prisoner must file a § 2241 petition in the district where she is incarcerated. *Griffin v. Ebbert*, 751 F.3d 288, 290 (5th Cir. 2014); *Lee v. Wetzel*, 244 F.3d 370, 375 n. 5 (5th Cir. 2001). If the petitioner files in another district, that court lacks jurisdiction over the petition. *United States v. Brown*, 753 F.2d 455 (5th Cir. 1985). However, the court does have the authority to transfer the action, in the interest of justice, to a court where the action could have been brought. 28 U.S.C. § 1631.

After reviewing the pleadings, the court has concluded that jurisdiction is not proper in the Eastern District of Texas because Petitioner is confined in Bryan, Texas. The court has considered the circumstances and has determined that the Petition for Writ of Habeas Corpus should be transferred to the United States District Court for the Southern District of Texas, where Petitioner is confined. It is accordingly

ORDERED that this Petition for Writ of Habeas Corpus is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 25th day of July, 2024.



Zack Hawthorn
United States Magistrate Judge